

CRISA, J

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
RONALD L. GALLATIN, M. KENNETH
WITOVER and JOHN D. CASE, on behalf of
themselves and Derivatively on behalf of
FOREDESTINE SERIES FUND, LLC-
BROAD MARKET SERIES and
FOREDESTINE SERIES FUND, LLC-
BROAD MARKET XL SERIES,

Plaintiffs,

- against -

FOREDESTINE, LLC and ROBERT I.
SCHULMAN,

Defendants,

FOREDESTINE SERIES FUND, LLC-
BROAD MARKET SERIES and
FOREDESTINE SERIES FUND, LLC-
BROAD MARKET XL SERIES,

Nominal Defendants.

X

Pursuant to F.R.C.P. 41(a)(1)(A)(ii), plaintiff, John D. Case, hereby stipulates and agrees
that his claims in the within action are hereby dismissed without prejudice and with each party
bearing its own costs. This stipulation may be executed in counterparts and a facsimile or e-mail
signature shall be as good as an original.

Dated: Uniondale, New York
October 7, 2011

RUSKIN MOSCOU FALTISCHEK, P.C.
Attorney for Plaintiffs

By: 

Thomas A. Telesca
1425 RXR Plaza, East Tower 15th Fl
Uniondale, New York 11556
(516) 663-6600

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM, LLP
Attorneys for Defendants Foredestine LLC
and Robert I. Schulman

By: 

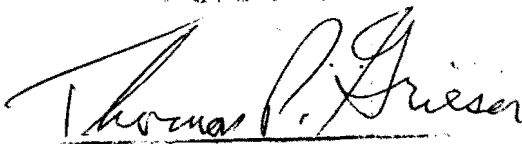
Seth M. Schwartz, Esq.
Four Times Square
New York, New York 10036
(212) 735-3000

**LAZARE POTTER &
GIACOVAS LLP**

*Attorneys for Nominal Defendants
Foredestine Series Fund, LLC - Broad
Market Series and
Foredestine Series Fund, LLC - Broad
Market XL Series*

By: 

Robert A. Giacovas, Esq.
950 Third Avenue
New York, New York 10022
(212) 758-9300


U.S.D.J.

